

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 17**

Introduced By: Mines, 18;

Read first time: January 4, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1       FOR AN ACT relating to elections; to amend sections 32-603 and  
2               32-604, Reissue Revised Statutes of Nebraska; to change  
3               provisions relating to multiple office holding; to harmonize  
4               provisions; and to repeal the original sections.  
5       Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-603 Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-603. (1) No candidate for member of the Legislature or an  
4 elective office described in Article IV, section 1 or 20, or Article  
5 VII, section 3 or 10, of the Constitution of Nebraska shall be  
6 eligible to file as a candidate, to petition on the ballot as a  
7 candidate, to accept a nomination by a political party or by party  
8 convention, caucus, or committee to fill a vacancy, or to be a  
9 declared write-in candidate for more than one elective office to be  
10 filled at the same election except for the position of delegate to a  
11 county, state, or national political party convention. No candidate  
12 for any other high elective office as defined in subsection ~~(6)~~ (5)  
13 of section 32-604 shall be eligible to file as a candidate, to  
14 petition on the ballot as a candidate, to accept a nomination by a  
15 political party or by party convention, caucus, or committee to fill a  
16 vacancy, or to be a declared write-in candidate for more than one high  
17 elective office to be filled at the same election. Any such person who  
18 has filed for a high elective office shall withdraw such filing prior  
19 to filing for any other elective office to be filled at the same  
20 election except for the position of delegate to a county, state, or  
21 national political party convention. Any such person who has won a  
22 nomination in a primary election and who is nominated to any  
23 additional offices by a write-in vote or by a political party  
24 convention or committee shall decline one of the nominations pursuant  
25 to section 32-623 and shall do so within seven days after receiving  
26 any subsequent nomination. If the candidate fails to take such action,  
27 any subsequent nomination shall be declared void. Any filing made in

1 violation of this section shall be void, and the Secretary of State,  
2 election commissioner, or county clerk shall not place the name of any  
3 person on the ballot for any office for which such person filed in  
4 violation of this section.

5 (2) If a filing officer determines that a candidate has  
6 filed for more than one office in violation of subsection (1) of this  
7 section, the filing officer shall notify the Secretary of State, the  
8 Secretary of State shall determine the order of the filings and notify  
9 the candidate that the subsequent filing is invalid, and the  
10 candidate's name shall not be printed on the ballot for such office.  
11 The Secretary of State shall notify the filing officers of the  
12 counties involved of the action taken on such subsequent filing.

13 (3) When the name of a candidate appears on the ballot for  
14 more than one office during an election in violation of subsection (1)  
15 of this section, the filing officer when possible shall correct the  
16 error by removing the candidate's name from the ballot and reprinting  
17 corrected ballots. When it is not possible to print a corrected set of  
18 ballots in time for the election, all votes cast for such candidate as  
19 a candidate for the subsequent office appearing on the ballot shall  
20 not be counted, and no certificate of nomination or election shall be  
21 issued to such candidate for such subsequent office.

22 Sec. 2. Section 32-604 Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 32-604. (1) Except as provided in subsection (2) or (4) of  
25 this section, no person shall be precluded from being elected or  
26 appointed to or holding an elective office for the reason that he or  
27 she has been elected or appointed to or holds another elective office.

1           (2) No person serving as a member of the Legislature or in  
2 an elective office described in Article IV, section 1 or 20, or  
3 Article VII, section 3 or 10, of the Constitution of Nebraska shall  
4 simultaneously serve in any other elective office, except that such a  
5 person may simultaneously serve in another elective office which is  
6 filled at an election held in conjunction with the annual meeting of a  
7 public body.

8           (3) Whenever an incumbent serving as a member of the  
9 Legislature or in an elective office described in Article IV, section  
10 1 or 20, or Article VII, section 3 or 10, of the Constitution of  
11 Nebraska assumes another elective office, except an elective office  
12 filled at an election held in conjunction with the annual meeting of a  
13 public body, the office first held by the incumbent shall be deemed  
14 vacant.

15           (4) No person serving in a high elective office shall  
16 simultaneously serve in any other high elective office, except that a  
17 county attorney may serve as the county attorney for more than one  
18 county if appointed under subsection (2) of section 23-1201.01.

19           ~~(5) Notwithstanding subsections (2) through (4) of this~~  
20 ~~section, any person holding more than one high elective office upon~~  
21 ~~September 13, 1997, shall be entitled to serve the remainder of all~~  
22 ~~terms for which he or she was elected or appointed.~~

23           ~~(6)~~ (5) For purposes of this section, (a) elective  
24 office has the meaning found in section 32-109 and includes an office  
25 which is filled at an election held in conjunction with the annual  
26 meeting of a public body created by an act of the Legislature and (b)  
27 high elective office means a member of the Legislature, an elective

1 office described in Article IV, section 1 or 20, or Article VII,  
2 section 3 or 10, of the Constitution of Nebraska, or a county, city,  
3 ~~or school district, or natural resources district~~ elective office.

4 Sec. 3. Original sections 32-603 and 32-604, Reissue Revised  
5 Statutes of Nebraska, are repealed.